

I assent.

D. J. G. ROSE

Governor-General,

1st March, 1969.

ACT NO. 2 OF 1969.

MISCELLANEOUS ENACTMENTS (AMENDMENT) ACT, 1969.

Arrangement of Sections.

Section

1. Short title.
2. Amendment of enactments.

SCHEDULE

AN ACT to amend certain enactments.

Enacted by the Parliament of Guyana:—

A.D. 1969.

Short title
and com-
mencement.

1. (1) This Act may be cited as the Miscellaneous Enactments (Amendment) Act, 1969, and so far as it amends any enactment shall be construed and read as one with that enactment and all amendments thereto.

(2) The amendment to paragraph (c) of subsection (2) of section 9 of the National Security (Miscellaneous Provisions) Act, 1966 by this Act shall come into operation at the same time as the said section 9 comes into operation

Amendment
of enact-
ments.

2. The enactments specified in the first column of the schedule to this Act shall be amended to the extent set out in the second column thereof.

| Enactment | Amendment |
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| Immigration Ordinance, Chapter 98, Section 2. | <p>(a) Immediately after the definition of the word "master" in subsection (1), the following definition shall be inserted—</p> <p>"Minister" means the Minister to whom responsibility for immigration is for the time being assigned.;</p> <p>(b) For subsection (3), the following subsection shall be substituted—</p> <p>"(3) For the purposes of this Ordinance a person shall be deemed to belong to Guyana if he is a citizen of Guyana or a dependant of any such citizen."</p> |
| Immigration Ordinance Chapter 98, Section 3. | <p>The following paragraph shall be substituted for paragraph (f) of subsection (5)—</p> <p>"(f) members of the mission in Guyana of a foreign sovereign Power, consular officers and consular employees in Guyana of a foreign sovereign Power, and members of their families forming part of their households;".</p> |
| Immigration Ordinance, Chapter 98, Section 5. | <p>For subsection (3) the following subsection shall be substituted —</p> <p>"(3) The Minister may, by order,—</p> <p>(a) direct that no passport of a subject or citizen of any foreign country, or of any specified foreign country, shall be accepted as such under this section unless it bears a Guyana consular visa; and</p> <p>(b) declare the circumstances or conditions under which such provision shall not apply."</p> |

| Enactment | Amendment |
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| Immigration Ordinance, Chapter 98. | The following section shall be inserted immediately after section 5— |
| "Restrictions on the right to leave Guyana. | 5A. (1) The Minister may, by directions in writing, impose restrictions on the right of— |
| | (a) any person to leave Guyana if he is satisfied that it is necessary so to do in the interests of defence, public safety or public order or for the purpose of preventing the subversion of democratic institutions in Guyana; |
| | (b) persons generally or any class of persons to leave Guyana if he is satisfied that it is necessary so to do in the interests of defence, public safety, public order, public morality or public health or for the purpose of preventing the subversion of democratic institutions in Guyana |
| | (2) Where any person is the subject of directions given by the Minister under paragraph (a) of subsection (1) of this section, notice thereof in writing (together with a concise statement of the grounds for the imposition of the restrictions, so, however, that no defect of any kind in such statement shall invalidate the directions) shall be served on him by an immigration officer as soon as |

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| No. 7 of 1966 | <p>practicable after the directions have been given and his case shall be reviewed by the tribunal established by section 13 of the National Security (Miscellaneous Provisions) Act, 1966, and the provisions of the said section 13 shall apply <i>mutatis mutandis</i> in relation to the review of the case of any such person as they apply to the review of the case of a person who is the subject of an order made under section 12 of that Act.</p> <p>(3) Notice of any directions given by the Minister under paragraph (b) of subsection (1) of this section shall be published in the Gazette and in one newspaper circulating in Guyana.</p> <p>(4) Any person with respect to whom directions have been given pursuant to paragraph (a) of subsection (1) of this section, or any member of a class of persons with respect to whom directions have been given pursuant to paragraph (b) of the said subsection —</p> <p>(a) shall forthwith upon notice thereof being served on him, or upon publication thereof, as the case may be, surrender to the Chief Immigration Officer or any other immigration officer any valid passport issued to him by or on behalf of the Government</p> |

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| | <p>of Guyana and the Chief Immigration Officer shall retain such passport so long as those directions continue in force; and if that person does not possess such a passport any application made by him for the purpose of procuring the issue to him of such a passport shall not be entertained so long as those directions continue in force;</p> <p>(b) may, so long as those directions continue in force, be prevented by any immigration officer, member of the Police Force, or officer or soldier of the Guyana Defence Force, from leaving Guyana by any means whatever for any place outside Guyana and the immigration officer, member of the Police Force, or officer or soldier of the Guyana Defence Force may, for that purpose, take any necessary measures, including the use with any assistance of such force as is reasonably justifiable in the circumstances.</p> <p>(5) Any person who contravenes or fails to comply with any of the provisions of this section or any</p> |

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Immigration Ordinance,
Chapter 98.

directions given thereunder shall be guilty of an offence **and shall be liable** on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(6) In this section, the expression "passport" includes a certificate of identity or a travel permit and any other document establishing the identity and national status of the person in respect of whom it has been issued."

The following section shall be inserted immediately after section 8 —

"Departure
of persons
from Guyana.

8A. (1) No person shall depart from Guyana by sea or by air except at a port of entry under this Ordinance.

(2) The master of a vessel departing from Guyana shall not allow any person to embark thereon without the consent of an immigration officer.

(3) Where a person desires to depart from Guyana by crossing a land frontier he shall, before departing, present himself to the nearest immigration officer.

(4) Every person departing from Guyana shall —

(a) answer truthfully to the best of his ability all proper questions, in so far as is necessary for

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the purposes of this Ordinance, put to him by an immigration officer; and

- (b) make and sign the prescribed declaration.

(5) In the performance of his duties under this section, an immigration officer shall have the power to board and search any vessel at any time and place in Guyana and to detain any person who contravenes, or fails to comply with, any of the provisions of this section.

(6) Every person who—

- (a) contravenes or fails to comply with any of the provisions of this section; or
- (b) knowingly and wilfully gives an untrue answer to any of the questions referred to in paragraph (a) of subsection (4) of this section; or
- (c) knowingly and wilfully makes any false statement in the declaration referred to in paragraph (b) of subsection (4) of this section,

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.”

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| Immigration Ordinance, Chapter 98, Section 25. | The words "a judge of the High Court sitting in Chambers" shall be substituted for the words "the Full Court of the Supreme Court" and "the Full Court", respectively, wherever those words appear in the section. |
| Immigration Ordinance, Chapter 98, Section 26. | A full stop shall be substituted for the colon at the end of subsection (1) and the proviso to that subsection shall be deleted. |
| Immigration Ordinance, Chapter 98, Section 28. | The words "or by the Minister" shall be inserted immediately after the word "Council". |
| Immigration Ordinance, Chapter 98, Section 35. | In paragraph (d) there shall be substituted "sections 6 and 8A" for "section 6". |
| Aliens (Immigration and Registration) Ordinance, Chapter 101, Section 2(1). | The following definition shall be inserted immediately before the definition of the expression "registration officer"— ' "alien" has the meaning assigned to it in article 125 of the Constitution of Guyana.' |
| Aliens (Immigration and Registration) Ordinance, Chapter 101, Section 12. | The following paragraph shall be substituted for paragraph (c) of subsection (2)— "(c) members of the staff of the mission in Guyana of a foreign sovereign Power, consular officers and consular employees in Guyana of a foreign sovereign Power, and members of their families forming part of their households;" |
| Status of Aliens Ordinance, Chapter 102. | (a) Sections 2 and 3 shall be re-numbered as sections 3 and 4, respectively. (b) The following new section shall be inserted as section 2— 2. In this Ordinance, unless the context otherwise requires— |
| | ^{Interpretation.} |

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| National Security (Miscellaneous Provisions) Act, 1966, section 9. | <p>“alien” has the meaning assigned to it by article 125 of the Constitution of Guyana.’</p> <p>In paragraph (c) of subsection (2), the word “information” shall be substituted for the word “evidence”.</p> |
| National Security (Miscellaneous Provisions) Act, 1966, section 12. | <p>In subsection (2), the following words shall be added between the words “shall” and “come” ---</p> <p>“contain a concise statement of the grounds for the making of the order, so, however, that no defect of any kind in such statement shall invalidate the order and shall”.</p> |
| National Security (Miscellaneous Provisions) Act, 1966. | <p>The following Part shall be inserted as Part II A—</p> <p style="text-align: center;">“PART II A—RESTRICTION OF MOVEMENT IN PROTECTED AREAS</p> |
| | <p><small>Protected areas.</small></p> <p>14A. (1) Without prejudice to any of the provisions of Part II of this Act, the Minister if satisfied with respect to any area that it is necessary in the interests of public safety, public order, public health or the defence of Guyana to regulate the entry of persons in that area may, by order, declare that area to be a protected area for the purposes of this section; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person who was not at the beginning of that day resident in the said area shall be present therein without the permis-</p> |

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| | <p>sion of such authority or person as may be specified in the order.</p> <p>(2) If any person is in a protected area in contravention of this section, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of any member of the Police Force or any officer or soldier of the Guyana Defence Force.</p> <p>(3) If any person contravenes or fails to comply with any order made under this section he shall be guilty of an offence and shall—</p> <p>(a) on summary conviction, be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, or</p> <p>(b) on conviction on indictment be liable to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.”.</p> |

Passed by the National Assembly on 25th February, 1969.

F. A. NARAIN
Clerk of the National Assembly.